

REMARKS/ARGUMENTS

Claims 7-12 are pending in this application.

Claims 7-12 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8-14 of Mikado et al. (U.S. 2006/0081048) in view of U.S. copending Application No. 10/540,240.

Claims 7-12 were also rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9-14 of U.S. copending Application No. 10/540,240 in view of Mikado et al. (U.S. 2006/0081048).

The Examiner indicated that the Terminal Disclaimer filed on August 29, 2006 was not accepted because the U.S. Patent Publication Number, instead of the Application Number, was incorrectly used for one of the two applications being disclaimed. Applicants enclose a new Terminal Disclaimer which correctly uses the Application Numbers for both of the applications being disclaimed.

In the accompanying Terminal Disclaimer, Applicants have disclaimed the terminal portion of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of commonly owned U.S. Application No. 10/540,239 and commonly owned U.S. Application No. 10/540,240.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the provisional rejections of claims 7-12 under the judicially created doctrine of double patenting as being unpatentable over claims 8-14 of commonly owned U.S. Published Application No. 2006/0081048 and claims 9-14 of commonly owned U.S. Application No. 10/540,240.

In view of the foregoing remarks, Applicants respectfully submit that claim 7 is allowable. Claims 8-12 depend upon claim 7, and are therefore allowable for at least the reasons that claim 7 is allowable.

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In view of the foregoing remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance are solicited.

The Commissioner is authorized to charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1353.

Respectfully submitted,

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